

C.7

TO: City Council
FROM: Rosemarie Ives, Mayor
DATE: September 5, 2006
SUBJECT: ORDINANCE - NE 83RD STREET RIGHT-OF-WAY VACATION, L060175

I. RECOMMENDED ACTION

Approve the ordinance (Attachment B) to vacate a portion of NE 83rd Street right-of-way located between 161st Avenue NE and 162nd Avenue NE.

II. DEPARTMENT CONTACT PERSONS

Dave Rhodes, Director of Public Works	556-2705
Bill Campbell, Assistant Dir. of Public Works/City Engineer	556-2733
Debby Wilson, Real Property Manager	556-2715
Joel Pfundt, Principal Planner	556-2750

III. DESCRIPTION

On July 5, 2006, Council passed Resolution 1231 setting August 8, 2006, as the public hearing date for a request to vacate a portion of NE 83rd Street right-of-way located between 161st Avenue NE and 162nd Avenue NE for the Downtown Redmond Transit Center. An error was made in noticing the August 8, 2006 public hearing in accordance with the City's Community Development Guide; a re-notice to continue the hearing until August 15, 2006 was made. On August 15, 2006 the continued public hearing was held. No public comments were presented.

The proposed NE 83rd Street right-of-way vacation, shown in Attachment A, involves an area of approximately 897 square feet. Once vacated the property shall belong to the property owner (King County) abutting the south side of the right-of-way. As compensation for the vacation, the property owner receiving the vacated right of way will dedicate to the City approximately 1,200 square feet of right-of-way for NE 83rd Street.

IV. IMPACT

- A. Service/Delivery: The City will retain an easement for public/private utilities as part of the vacation. The vacation of the right-of-way will not adversely affect street patterns nor circulation in the immediate vicinity or the community as a whole.
- B. Fiscal: The City will receive dedicated right-of-way as consideration for the vacation of the right-of-way.

V. LIST OF ATTACHMENTS

- A. Vicinity Map
- B. Ordinance

/s/
Dave Rhodes, Director of Public Works

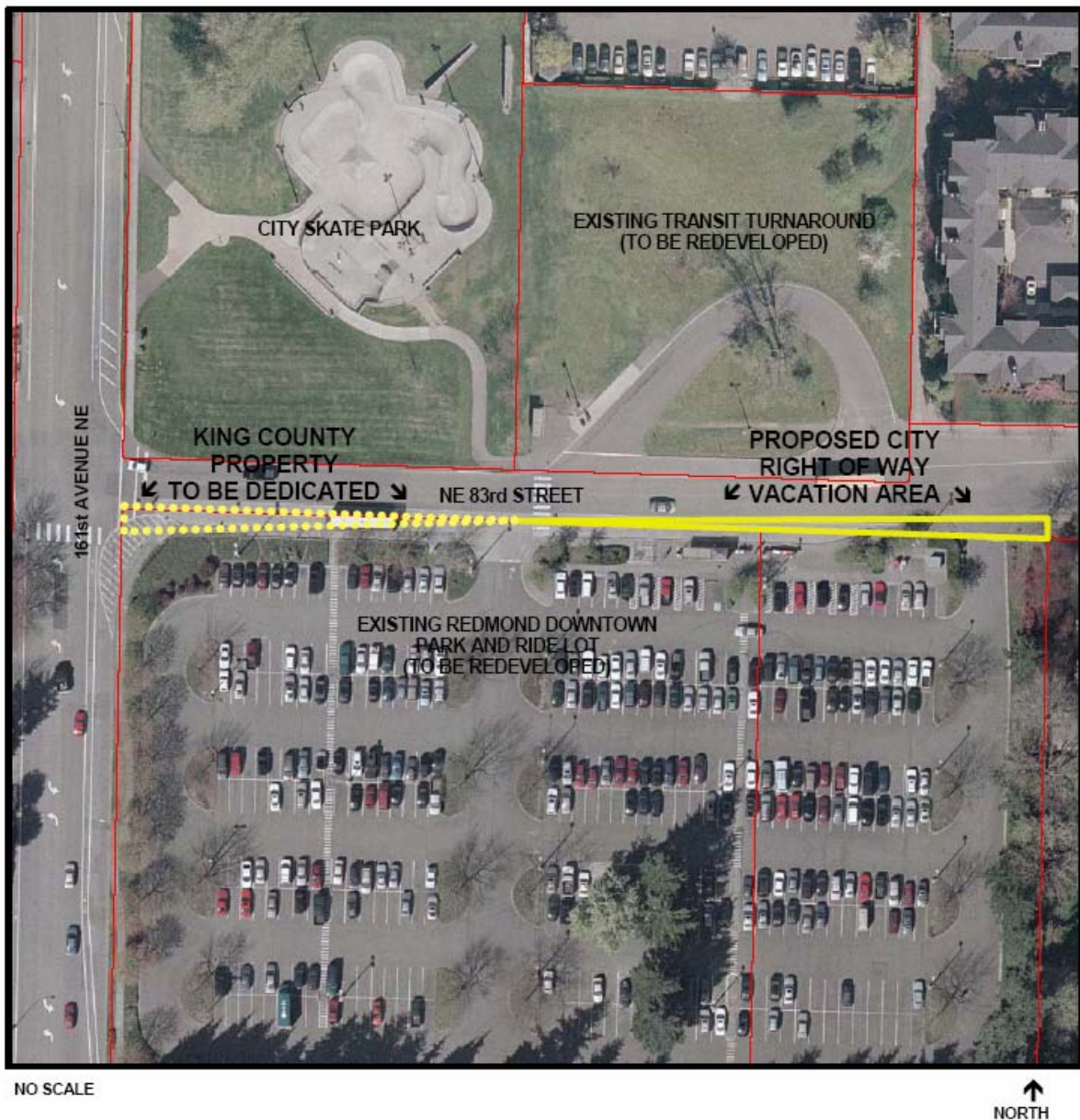
8/25/06
Date

Approved for Council Agenda Jane Christenson for
Rosemarie Ives, Mayor

8/25/06
Date

ATTACHMENT A

VICINITY OF RIGHT-OF-WAY VACATION



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, VACATING A PORTION OF NE 83RD STREET RIGHT-OF-WAY LOCATED BETWEEN 161ST AVENUE NE AND 162ND AVENUE NE PURSUANT TO RCW 35.79 AND REDMOND COMMUNITY DEVELOPMENT GUIDE 20F.40.110 AND ESTABLISHING AN EFFECTIVE DATE, FILE NO. L060175.

WHEREAS, the City Council has received a request that a portion of the NE 83rd Street right-of-way, located between 161st Avenue NE and 162nd Avenue NE, depicted upon Exhibit B, be vacated; and

WHEREAS, the action of vacating a street or roadway is categorically exempt from environmental review per Washington Administrative Code 197-11-800(2)(h) and therefore not subject to Standard Environmental Protection Agency rules and determinations; and

WHEREAS, the City Council, by passage of Resolution No. 1231, established a date for a public hearing to consider the requested street vacation; and

WHEREAS, the City Clerk posted and published appropriate notices of the public hearing as required by Revised Code of Washington 35.79.020; and

WHEREAS, the hearing was held on August 15, 2006, and all persons who wished to testify were provided an opportunity to do so, and

WHEREAS, the City Engineer and Director of Public Works have both recommended that the vacation request be granted, subject to certain terms and conditions; and

WHEREAS, after consideration of the testimony, the City Council determined that the vacation should be approved, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Vacation of Right-of-Way. The dedicated street right-of-way commonly known as a portion of the NE 83rd Street right-of-way, in the City of Redmond, and more particularly described on Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full, is hereby vacated, subject to the conditions set forth in Section 4 below.

Section 2. Reservation of Easement. The City hereby reserves a permanent easement for the purposes of constructing, reconstructing, installing, improving, repairing, and maintaining public and private utilities (including but not limited to electric, water, sewer, storm, gas, telephone, cable television and other telecommunications), with ordinary and necessary appurtenances thereto over, in, upon, across, through and along the vacated area described in Exhibit A.

Section 3. Compensation. This vacation is undertaken with the understanding that the City will receive consideration for the right-of-way vacated in the form of a right-of-way dedication of a portion of NE 83rd Street, similar to the vacated property.

Section 4. Effective Date. This Ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary

thereof consisting of the title. However, the vacation shall not be effective until such time as this Ordinance is recorded. The City Clerk is directed to record a certified copy of this Ordinance with the King County Department of Records and Elections, thereby making the vacation effective upon confirmation from the Public Works Director that the following condition has been satisfied:

The owner of the proposed vacated right-of-way has dedicated that certain real property for a portion of NE 83rd Street right-of-way as shown on Exhibit B, and legally described on Exhibit C.

CITY OF REDMOND

MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED

CITY CLERK, MALISA FILES

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY: _____

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: _____

EXHIBIT A

Legal description for portion of NE 83rd Street Vacation

THAT PORTION OF VACATED NORTHEAST 83RD STREET CONVEYED TO THE CITY OF REDMOND BY DEED RECORDED UNDER RECORDING NUMBER 8007010782, RECORDS OF KING COUNTY, WASHINGTON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH MARGIN OF NORTHEAST 83RD STREET AND THE EAST LINE OF PARCEL I, AS SHOWN PER THE BOUNDARY LINE ADJUSTMENT UNDER CITY OF REDMOND FILE NUMBER L050186 AND RECORDED UNDER RECORDING NUMBER 20060414900001, RECORDS OF SAID COUNTY;
THENCE NORTH 88°10'37" WEST ALONG THE SOUTH MARGIN OF NORTHEAST 83RD STREET, A DISTANCE OF 254.50 FEET;
THENCE SOUTH 89°45'49" EAST, A DISTANCE OF 254.52 FEET TO THE INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE EAST LINE OF SAID PARCEL I;
THENCE SOUTH 1°09'02" WEST ALONG THE NORTHERLY PROLONGATION OF SAID EAST LINE, A DISTANCE OF 7.05 FEET TO THE TRUE POINT OF BEGINNING;

THE ABOVE DESCRIBED CONTAINING 897 SQUARE FEET

EXHIBIT B

NE 83RD STREET RIGHT-OF-WAY AREAS OF VACATION AND DEDICATION



NO SCALE

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NORTH

EXHIBIT C

Legal description for portion of NE 83rd Street to be dedicated to City of Redmond:

THAT PORTION OF PARCEL II, AS SHOWN PER THE BOUNDARY LINE ADJUSTMENT UNDER CITY OF REDMOND FILE NUMBER L050186 AND RECORDED UNDER RECORDING NUMBER 20060414900001, RECORDS OF KING COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST MARGIN OF 161ST AVENUE NORTHEAST AND THE SOUTH MARGIN OF NORTHEAST 83RD STREET SAID INTERSECTION BEING THE NORTHWEST CORNER OF SAID PARCEL II;
THENCE SOUTH 88°10'37" EAST ALONG THE SOUTH MARGIN OF NORTHEAST 83RD STREET, A DISTANCE OF 288.10 FEET;
THENCE NORTH 89°50'19" WEST, A DISTANCE OF 288.12 FEET TO THE EAST MARGIN OF 161ST AVENUE NORTHEAST;
THENCE NORTH 1°09'08" EAST ALONG THE EAST MARGIN OF 161ST AVENUE NORTHEAST, A DISTANCE OF 8.36 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED CONTAINING 1,204 SQUARE FEET